

Executive Registry

60-46338

2002/6

13 JUN 1960

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The Honorable Maurice H. Stans
Director
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Stans:

Thank you for your letter of 12 April 1960 expressing your views on our proposals for separation compensation.

Let me first clear up what appears to be a simple misunderstanding but one with important bearing on the kind of a personnel program that we propose. The policies and procedures for this program are set forth in two proposed regulations: "Separation of Surplus Personnel" (Regulation [redacted] and a related Handbook), and "Separation Compensation" (Regulation [redacted]). During your initial review of our program my Staff revised the latter regulation on "Separation Compensation." In giving your representatives copies of the new draft, the impression was inadvertently conveyed that it was to replace both the previous draft on "Separation Compensation" and also our basic regulation on "Separation of Surplus Personnel" [redacted]. This is not the case. The latter regulation, "Separation of Surplus Personnel," remains our basic regulation on this subject. We propose to follow the procedures set forth in that Regulation and its related Handbook in dealing with several surplus personnel situations. The first is the surplus age group described in our basic study with which you are familiar. Secondly, from time to time there will be surpluses in the numbers of persons of particular levels and skills due to adjustments in the size and nature of Agency operations. Lastly, we had in mind the possible future use of these procedures in identifying and separating individuals of age 30 or beyond should such action become necessary in the maintenance of a reasonably young overseas service. As we have explained in our manpower study, the decision to separate a person does not of itself lead to a decision to pay separation compensation. That is determined subsequently and separately in accordance with the standards set forth in the regulation on "Separation Compensation" [redacted]. Finally, the procedures given in the regulation on "Separation of Surplus Personnel" are not in any way conceived of or proposed as a substitute for the involuntary separation of employees because of inadequate performance, unsuitability, or misconduct, and such cases are excluded by the terms of paragraphs 1 and 2 of that regulation.

(EXECUTIVE REGISTRY FILE)

Bureau of Budget

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Important comments pertinent to the plan include the following:

- (a) It ensures that each eligible person will have the equivalent of his normal earned income for four months after separation in order that it will be financially possible for him to make a thoughtful and thorough effort to seek out suitable employment.
- (b) It ensures that any further payments are based upon continuing proven need and need has been established at two-thirds of former salary. This is believed enough to prevent hardship and to facilitate vocational readjustment but low enough to generate strong incentives to seek out suitable employment. In addition the deduction of earned and retirement annuity income, if any, from the gross permissible amount payable will reduce the costs of the program to a clearly justifiable minimum.
- (c) The maximum allowance payable has been held to an equivalent of 12 months' salary and may be paid over a period of eighteen months because we believe some individuals affected will require many months to reorient their careers and to stabilize their earned income. This pertains particularly to persons who require formal education for a new career or who undertake new careers compensated on a commission basis.
- (d) The plan treats all eligible employees alike in terms of its underlying purpose which is to provide reasonable financial assistance during the period of career rehabilitation to the extent justified and needed.

I attach a revised draft of our manpower study and the two key regulations. The Regulation on "Separation of Surplus Personnel" [redacted] has not been changed; the Regulation on "Separation Compensation" [redacted] has been changed as I have indicated. I would greatly appreciate any further views or suggestions you may have concerning our modified plan for separation compensation. It is my desire to present this plan to appropriate members of the Congress and the Comptroller General at the earliest possible date.

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Sincerely,

Distribution:

Orig & 1 - Addressee
1 - DCI
1 - DDCI
1 - ER✓
1 - DD/S
1 - DD/I
1 - DD/P
1 - IG
1 - Gen Counsel
1 - Comptroller
1 - D/Pers

15/
C. P. Cabell
General, USAF
Acting Director

Originator:

Concur:

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(Supplement)

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S E C R E T

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12 May 1960

A Manpower Control Program
for the Clandestine Services Career Service

INTRODUCTION

1. Our statistical studies of Agency manpower have led us to the conclusion that the Clandestine Services Career Service will not be able to maintain its present level of operational activity unless steps are taken to provide for the recruitment into it annually of a substantial number of capable young officers and for their advancement at a reasonable pace. To be able to recruit these young officers, the service must separate an equal number annually. To be able to promote them, a means must be found to effect such separations among personnel occupying medium and higher grades. Attrition does not at present accomplish this nor will it in the future.
2. In addition to this basic and long-range problem, the Clandestine Services are confronted with problems arising from the distribution of male officers by age and grade. Forecasts based on the present recruitment rates, the effect of ceiling, the distribution of male officers in grade GS-9 and above (not including TSS personnel), present attrition rates, and on the effect of the operation of the Civil Service retirement program show that the Clandestine Services will be staffed by a predominantly old group of employees by 1974. (Tab A)
3. Faced with this prospect, it is clear that the Clandestine Services must take steps to achieve an acceptable distribution of personnel by age groups and must also be equipped with the legal and administrative authority needed to maintain such a distribution. As a first step, we have drawn up what would appear to be a reasonable distribution of Clandestine Services personnel by age groups and also a distribution of positions or spaces by grades. As will be seen in Tab B, these two distributions are markedly different from those that obtain at present. The age distribution table provides for the introduction into the service of approximately per annum, it accounts for natural attrition, it provides for the involuntary separation of persons ill-adapted to clandestine work up to age 35 and for the annual forced separation of those past age 50. The grade distribution is

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arranged to permit the progressive advancement of officers in the service. Its operation is dependent on the intake and separation rates described above and on adherence to prescribed promotion rates. Rates of promotion as given in Tab B are standard rates. Exceptions will be necessary in order to place the most capable men in positions of leadership at reasonably early stages in their careers.

4. These distributions must be restudied and amended from time to time. The size of the Clandestine Services and the direction of its operational interests may be expected to change. The grade structure proposed may, after further study, be regarded as unworkable. However, the principles that underlie these distributions will not change and any effort to provide the Clandestine Services with a stable work force will have to be aimed in this general direction. For the sake of the argument in this paper, it is proposed that the distribution goals be accepted tentatively. They will be referred to as "controlled staffing".

5. Having agreed to "controlled staffing" as a desirable goal, the question of converting to and then being in a position to maintain it must be considered. The answer to this question must encompass:

- a. the legal authorities required to separate personnel involuntarily and to grant separation pay or annuities to those who qualify for such consideration;
- b. the procedures to be followed in identifying personnel to be separated and those to be granted benefits;
- c. a time table for accomplishing the conversion and the scope of that action;
- d. a plan for maintaining a balanced work force in terms of age and promotion rates.

LEGAL AUTHORITY

6. It is our understanding that section 102(c) of the National Security Act of 1947, as amended, contains the authority necessary to separate any surplus personnel. General Counsel has asked the Justice Department and the Civil Service Commission to comment on this interpretation of the law. Their replies confirm our understanding.

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7. The authority to grant separation compensation is based on the authority of the Director of Central Intelligence to establish and administer compensation standards and is contained in the Central Intelligence Agency Act of 1949.

PROCEDURES

8. Before describing the procedures to be followed in identifying personnel to be separated and those to be granted benefits, a word about the relationship that exists between these two actions. The separation procedures followed by the military services and the Foreign Service as well as those foreseen in the "hump" legislation granted to the Navy tie together into one action the identification of the individual to be separated and the authorization of benefits. One follows the other automatically. CIA cannot do this because within CIA there is no identical group to which benefits can be automatically granted. CIA does not have a commissioned service. The Career Staff of CIA is too broad, the Clandestine Services Career Service too informal to qualify in this sense. It is for this reason that proposals relating to early retirement in CIA have, up to the present, included qualifying standards. [The one currently under consideration calls for 20 years of Government service, 10 years overseas, and 50 years of age.] It follows, therefore, that in the process of converting the Clandestine Services to controlled staffing the identification of individuals to be separated and those to be granted benefits will have to be accomplished in two distinct actions. Not all of those separated will qualify for benefits.

9. Since the procedures followed in identifying personnel to be separated will be distinct from those having to do with the granting of benefits, there is no reason to attempt to distinguish between personnel being separated for the purpose of converting to controlled staffing on the one hand and those who may be separated in consequence of a general reduction in strength or change in mission or function on the other hand. In fact, any attempt to make such distinctions and to provide benefits in one case and not in the other would involve the Agency in gross inequities. Benefits can be justified in terms of the length, nature, and circumstances of a man's service and not in terms of the administrative need of the Agency that caused his separation.

10. Thus, it is proposed that the procedures proposed in Reduction of Surplus Personnel, be used in identifying personnel

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for separation. Categories to be reduced by grade, age group, and, if need be, by field of specialization can be established as the need to reduce arises. The procedures established in this regulation can be applied to any defined category of personnel. [redacted] provides standards and procedures to be used in identifying those individuals to whom benefits may appropriately be granted from among the total number being separated as "surplus" to the Agency's needs.

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TIMING AND SCOPE

11. As stated in the Introduction, the Clandestine Services are faced with two distinct problems: first, the reduction of a "hump" of officers; and second, the maintenance over the years of a relatively young service and one that offers reasonable opportunities for advancement. It is proposed that there be undertaken a single action to reduce the "hump". It is recommended that the experience of the U. S. Navy in dealing with its "hump" be considered in planning this action and that, specifically, individuals in their 40's and 50's and in the higher grades be separated as well as those in their 30's who are in the middle grades.

MAINTAINING A BALANCED WORK FORCE

12. The problem of maintaining a relatively young service will not confront the Clandestine Services for several years. The oldest significant group of officers who entered intelligence during World War II and have remained in it will begin to reach age 50 and to complete 20 years of Government service during the period after 1963. At that time, it will be most desirable to have legislation which will provide retirement annuities to those officers who must be separated in the interest of controlled staffing. Failing this, or if legislative authority limits the annuity to a narrow group, it is our recommendation that [redacted] and [redacted] be used once a year in separating and compensating those officers who cannot be retired on a satisfactory annuity.

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TAB A

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TAB B

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ATTACHMENT 11

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PERSONNEL
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SEPARATION OF SURPLUS PERSONNEL

1. GENERAL

In the event it becomes necessary to reduce administratively the number of employees in the Agency, or in any component part of it, or among any defined category of personnel, this Regulation will apply to the exclusion of all other regulations pertaining to involuntary separation of personnel. However, whether the separation of surplus personnel is contemplated or in process, there is no suspension of the Agency's responsibility and authority to remove, demote, or reassign any employee whose conduct or capacity is such that such action will promote the efficiency of the service. This Regulation does not apply to such cases. A program or programs involving separation of surplus personnel will be promulgated in accordance with the provisions of this Regulation set forth below.

2. POLICY

a. The protection of intelligence sources and methods, with which the Director of Central Intelligence is specifically charged by the National Security Act of 1947, as amended, prohibits divulging the names, official titles, salaries, and numbers of personnel employed by the Agency. The separation of personnel surplus to the Agency's needs, therefore, cannot be carried out pursuant to the Veterans' Preference Act of 1944, as amended, or the Civil Service Commission

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regulations promulgated thereunder.

b. To this end, Section 6 of the Central Intelligence Agency Act of 1949, as amended, provides that the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other law which require the publication or disclosure of names, official titles, salaries, or numbers of personnel employed by the Agency. Accordingly, such separations will be carried out under the authority granted to the Director of Central Intelligence in section 102(c) of the National Security Act of 1947, as amended, which provides that notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States. Therefore, the standards governing such separations will be those set forth below exclusively, and no employee will be entitled to consideration under standards set forth in any other law or regulation, nor will any employee be entitled to appeal to the Civil Service Commission any determination of the Agency. Nor will any standards or procedures set forth herein have any application to involuntary separation actions carried out under the authority of [] Nor shall the authority of this Regulation be invoked for separations which properly should be processed under the authority of [] Termination of employment under this [], shall not affect the right of the officer or employee to seek or accept employment

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in any other department or agency of the Government if declared eligible for such employment by the Civil Service Commission.

c. The record of past performance, qualifications, accomplishments, and contribution to the mission of the Agency of each individual being considered for separation shall be thoughtfully weighed along with the assessment of current performance and potential.

d. Personnel shall be separated from employment as a result of manpower adjustments only after all possibilities have been exhausted for their reassignment to other positions commensurate with their skills and ability.

e. The employment of personnel shall not be jeopardized by reason of the circumstances or accident of the location of their assignments at the time personnel reductions are made.

3. APPEALS

An employee who has been notified of his separation after having been determined to be surplus under the provisions of this regulation may appeal the separation action in writing to the Director of Central Intelligence within thirty (30) days from the date of notification. The employee must give specific reasons upon which the appeal is based.

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PERSONNEL
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SEPARATION OF SURPLUS PERSONNEL

1. APPLICABILITY OF PROCEDURES

- a. The procedures given herewith shall apply to a Career Service if the personnel assigned to that Career Service exceed the number of spaces as given in the Career Service Staffing Authorization (CSSA) on the ninety-first day after the CSSA is approved or revised  paragraph 3c). The head of the Career Service, in consultation with the Deputy Director concerned and the Deputy Director (Support), shall designate the grade levels and, if need be, the categories of specialization of personnel to be regarded as surplus.
- b. These procedures shall also apply when, at the request of the head of the Career Service and the Deputy Director concerned, the Director of Central Intelligence authorizes the reduction in number of a defined category of personnel in the interest of the long-range needs of the Service.
- c. Civilian employees not assigned to Career Services shall be subject to the application of these procedures whenever it is determined that such personnel are excess to Agency requirements.

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2. ESTABLISHMENT OF RETENTION REGISTER

- a. Definition. A retention register is a rank order listing by grade of personnel in any category affected by a planned reduction. The ranking determines the order of precedence for retention by the Career Service, or, in the

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case of non-Career Service personnel, by the organization concerned.

- b. Initial Ranking by Board or Panel. Rankings in order to establish registers may be initiated by existent Career Service Boards or Panels or by boards specifically established by the Deputy Director concerned. These rankings shall be completed within forty-five days after the decision is taken to reduce the number of personnel in a given category. The Board or Panel will concentrate its attention on each individual's performance, qualifications, and potential, it being understood that the review called for in paragraph 3. will cover the other factors mentioned in paragraph 2c. of The Board or Panel shall assign 25X1 each individual on the register to a specific position, going from highest to lowest except that the Board or Panel may employ the procedures outlined below whenever the register comprises twenty-one or more individuals:

Such registers shall be divided into ten sections. The Board or Panel shall assign individuals to each section, the first section containing those ranking highest, then downward to the last section which shall contain the names of those ranking lowest on the register, the sections to be as nearly equal in size as possible. Those sections at the lowest part of the register which comprise ten individuals or twice the number of individuals to be separated if this number be larger than ten will be consoli-

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dated into one group and a specific rank order of all individuals in this group from highest to lowest shall be established.

3. REVIEW OF RETENTION REGISTERS

- a. After the retention registers are complete, a committee of three disinterested senior officials appointed by the Director of Central Intelligence shall review the official personnel and other pertinent files of those individuals who have been placed in specific rank order in accordance with the provisions of paragraph 2 above. The committee shall carefully consider each individual's complete record of Federal civilian and military service and membership in the CIA Career Staff and give particular attention to his past performance, qualifications, accomplishments, and contributions to the mission of the Agency. The committee, by majority vote, shall revise the rank order of this group, if it deems such revision warranted, duly noting such changes as are made.
- b. The head of the Career Service, or Operating Official, shall then review the specific rankings as revised and noted and shall make and record such changes as he shall deem warranted.
- c. The Director of Personnel shall then review the retention registers as revised and noted by the committee and head of the Career Service or Operating Official. In accordance with paragraphs 2 c, d, and e of basic regulation he shall ensure that every reasonable effort has

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been made to protect the interests of individuals being considered for separation and to retain in Agency employment those who qualify for positions in components or Career Services other than the one which has nominated them for separation. He shall recommend to the Director of Central Intelligence the separation of surplus individuals as being advisable in the interests of the United States.

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ATTACHMENT 1 II

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C O N F I D E N T I A L


D R A F T (8 June 1960)



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Date

SEPARATION COMPENSATION

1. GENERAL

Among the personnel who are to be separated in accordance with the provisions of , Separation of Surplus Personnel, are individuals who, because of the nature and circumstances of their service with the Agency are at a disadvantage in making occupational transfers and may therefore be unable to command reasonable levels of earned income for an extended period of time following termination of Agency employment. This will be particularly true for personnel who, during the predominant period of their service, have been trained for and assigned to intelligence, operations, or communications positions which are part of the overseas structure of the Agency's organization, it being recognized that the anticipated span of service open to a person entering this general field of activity may be shorter than that open to a person serving in the domestic activities of the Agency. Separation compensation, as authorized herein, is granted for the purpose of assisting such individuals during the process of their vocational reorientation.

2. AUTHORITY

The authority to grant separation compensation is based on the authority of the Director of Central Intelligence to establish and administer compensation

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Col. White has the nominations. The reply will be prepared for Col. White's signature and dispatched. They already have the letter typed and have the nominations for all components (is representing DDP).

Guess this is now off our hands. Shall I put the attached in ER?

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5:12 Sept.

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CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
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ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks:			
<p>Please note the attached copy of a letter from the Director of the Bureau of the Budget.</p> <p>Let me have your nominations not later than 12 September.</p> <p>JSE</p> <p>ER 60-6797 to DCI from Dir/BOB, dtd 29Aug asking do we wish to nominate anyone to attend lecture by Mr. Drucker on 16 Sept.</p>			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
Executive Officer			9/2/60

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MEMORANDUM FOR: ~~The~~ Director

I have circulated copies of the attached letter to the Deputies, asking for their nominations in sufficient time that we can make a reply to Mr. Stans before 16 September.

JSE
2 Sep 60

cc: DDCI ✓

Noted by D/DCI

(DATE)

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who are eligible for an optional retirement annuity without reduction for an attained age of less than 60 shall not be eligible for separation compensation. Individuals who are eligible for discontinued service annuities will be eligible for separation compensation in accordance with the provisions of paragraph 5 of this Regulation.

4. RESPONSIBILITIES

In consultation with the Head of the Career Service concerned, the Director of Personnel will review the nature and circumstances of the assignment of each individual scheduled for involuntary separation in accordance with the provisions of [] and, in appropriate cases, will recommend to the Director of Central Intelligence that separation compensation be granted.

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5. COMPUTATION OF SEPARATION COMPENSATION

a. A maximum Separation Compensation Allowance shall be established for each individual who has been determined to be eligible therefor by the Director of Central Intelligence or his appointed representative. The amount of this allowance will consist of the equivalent of one month's salary (defined as one-twelfth of the current annual basic salary) for each year of continuous Agency service and proportionately for each fraction of a year's continuous Agency service. The salary rate to be used for this computation will be the current annual basic salary received immediately prior to separation but not to exceed the maximum scheduled rate of GS-14. The amount of this allowance will not exceed the equivalent of 12 months' salary as thus computed. The separation allowance

payable to an individual of age 60-61 at time of separation who is eligible for a discontinued service annuity shall not exceed the difference between the amount of annuity he is eligible to receive the first year after separation and the amount of annuity he would receive had he completed 30 years of Federal service.

b. The Director of Personnel may recommend to the Director a lesser amount of Maximum Separation Compensation Allowance than that provided herein when circumstances so warrant.

6. PAYMENT OF SEPARATION COMPENSATION

Payment of separation compensation allowance will be in accordance with the following schedule and conditions until the maximum established for each individual has been exhausted or eighteen months since his separation have elapsed, whichever occurs first:

a. Initial Payment

Upon separation, four months salary is paid as separation compensation.

b. Subsequent Payments

At the end of six months after separation and each two months thereafter, an additional increment is payable. Each such increment will consist of an amount equal to two-thirds of the individual's former salary for the period (not to exceed maximum scheduled rate of GS-14) less the amount of earned income and the amount of Civil Service Retirement Annuity received or accrued by the individual for the preceding two months.

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c. Condition of Payments

If the individual accepts Federal employment, the payment of separation compensation will be made only to the degree that dual compensation statutes relative to the nature of the employment permit.

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ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE

Remarks:

Sgt - Col. White obtained General
Chell's signature on 6/13.
All copies, plus 0 & 1 w/att,
dispatched from O-DD/S.

Lry

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